

1 AN ACT concerning aging.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Elder Abuse and Neglect Act is amended by  
5 changing Section 3 as follows:

6 (320 ILCS 20/3) (from Ch. 23, par. 6603)

7 Sec. 3. Responsibilities.

8 (a) The Department shall establish, design and manage a  
9 program of response and services for persons 60 years of age  
10 and older who have been, or are alleged to be, victims of  
11 abuse, neglect, financial exploitation, or self-neglect. The  
12 Department shall contract with or fund or, contract with and  
13 fund, regional administrative agencies, provider agencies, or  
14 both, for the provision of those functions, and, contingent on  
15 adequate funding, with attorneys or legal services provider  
16 agencies for the provision of legal assistance pursuant to this  
17 Act.

18 (b) Each regional administrative agency shall designate  
19 provider agencies within its planning and service area with  
20 prior approval by the Department on Aging, monitor the use of  
21 services, provide technical assistance to the provider  
22 agencies and be involved in program development activities.

23 (c) Provider agencies shall assist, to the extent possible,

1 eligible adults who need agency services to allow them to  
2 continue to function independently. Such assistance shall  
3 include but not be limited to receiving reports of alleged or  
4 suspected abuse, neglect, financial exploitation, or  
5 self-neglect, conducting face-to-face assessments of such  
6 reported cases, determination of substantiated cases, referral  
7 of substantiated cases for necessary support services,  
8 referral of criminal conduct to law enforcement in accordance  
9 with Department guidelines, and provision of case work and  
10 follow-up services on substantiated cases.

11 A provider agency shall provide an emergency response  
12 system to handle reports of alleged or suspected abuse or  
13 neglect that places an eligible adult at imminent risk of  
14 injury or death that are received during non-business hours, on  
15 weekends, and on holidays. This requirement may be satisfied by  
16 (i) using an on-call system or (ii) providing a local emergency  
17 provider agency number for a local law enforcement agency to  
18 call when, upon investigation, there is probable cause to  
19 believe that the eligible adult is a victim of abuse or neglect  
20 that has placed him or her at imminent risk of injury or death.  
21 Referral procedures shall be defined by a Memorandum of  
22 Understanding between the provider agency and the local law  
23 enforcement agency. The Department shall maintain an  
24 up-to-date listing of all provider agencies' on-call or  
25 emergency numbers.

26 (d) By January 1, 2008, the Department on Aging, in

1 cooperation with an Elder Self-Neglect Steering Committee,  
2 shall by rule develop protocols, procedures, and policies for  
3 (i) responding to reports of possible self-neglect, (ii)  
4 protecting the autonomy, rights, privacy, and privileges of  
5 adults during investigations of possible self-neglect and  
6 consequential judicial proceedings regarding competency, (iii)  
7 collecting and sharing relevant information and data among the  
8 Department, provider agencies, regional administrative  
9 agencies, and relevant seniors, (iv) developing working  
10 agreements between provider agencies and law enforcement,  
11 where practicable, and (v) developing procedures for  
12 collecting data regarding incidents of self-neglect. The Elder  
13 Self-Neglect Steering Committee shall be comprised of one  
14 person selected by the Elder Abuse Advisory Committee of the  
15 Department on Aging; 3 persons selected, on the request of the  
16 Director of Aging, by State or regional organizations that  
17 advocate for the rights of seniors, at least one of whom shall  
18 be a legal assistance attorney who represents seniors in  
19 competency proceedings; 2 persons selected, on the request of  
20 the Director of Aging, by statewide organizations that  
21 represent social workers and other persons who provide direct  
22 intervention and care to housebound seniors who are likely to  
23 neglect themselves; an expert on geropsychiatry, appointed by  
24 the Secretary of Human Services; an expert on issues of  
25 physical health associated with seniors, appointed by the  
26 Director of Public Health; one representative of a law

1 enforcement agency; one representative of the Chicago  
2 Department on Aging; and 3 other persons selected by the  
3 Director of Aging, including an expert from an institution of  
4 higher education who is familiar with the relevant areas of  
5 data collection and study.

6 (Source: P.A. 94-1064, eff. 1-1-07.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.